

## **Exhibit 2**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CRYOVAC, INC.,	)	
	)	
Plaintiff/Counter-Defendant.	)	Civil Action No. 04-1278
	)	
vs.	)	Hon. Kent A. Jordan
	)	
PECHINEY PLASTIC PACKAGING,	)	
INC.,	)	
	)	
Defendant/Counter-Plaintiff.	)	

**PECHINEY PLASTIC PACKAGING INC.'S  
SIXTH SET OF INTERROGATORIES (NOS. 38-41)**

Defendant/Counter-Plaintiff, Pechiney Plastic Packaging, Inc. ("Pechiney"), by its attorneys and pursuant to Federal Rules of Civil Procedure 26 and 33, requests that Plaintiff/Counter-Defendant, Cryovac, Inc. ("Cryovac"), answer in writing and under oath the following interrogatories within thirty (30) days of receipt of these interrogatories. The information requested herein is to be provided in accordance with the definitions and instructions as set forth in Exhibit A to Pechiney Plastic Packaging Inc.'s First Set of Interrogatories (Nos. 1-15).

**INTERROGATORY NO. 38:**

For the time period January 1, 2002 through the present, identify the name and address of each and every Cryovac customer that has: (i) a legally binding contract with Cryovac for the supply of flexible packaging products, or (ii) a non-binding contract with Cryovac for the supply of flexible packaging products, or (iii) a \_\_\_\_\_ with Cryovac for the supply of flexible packaging products as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 239-41), or (iv) a \_\_\_\_\_ with Cryovac as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39), or (v) an

as testified to  
by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39),  
indicating which of categories (i) - (v) Cryovac contends applies to such customer identified.

**INTERROGATORY NO. 39:**

State with specificity the differences, if any, between: (i) a legally binding contract with Cryovac  
for the supply of flexible packaging products, (ii) a non-binding contract with Cryovac for the  
supply of flexible packaging products, (iii) a \_\_\_\_\_ with Cryovac for the supply of  
flexible packaging products as testified to by James Mize in his deposition of August 17, 2005 (J.  
Mize e-transcript, pages 239-41), (iv) a \_\_\_\_\_ with Cryovac as testified to by James  
Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39), and (v) an  
\_\_\_\_\_ as testified to  
by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39).

**INTERROGATORY NO. 40:**

For the time period January 1, 2002 through the present, identify any person by name, address  
and employment who, prior to the commencement of this action, has analyzed, evaluated or  
otherwise communicated on the effect of a: (i) a \_\_\_\_\_ with Cryovac for the supply  
of flexible packaging products as testified to by James Mize in his deposition of August 17, 2005  
(J. Mize e-transcript, pages 239-41), (ii) a \_\_\_\_\_ with Cryovac as testified to by James  
Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39), and (iii) an  
\_\_\_\_\_ as testified to  
by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39),  
indicating which of categories (i) - (iii) Cryovac contends applies to such person identified.

**INTERROGATORY NO. 41:**

For the time period January 1, 2002 through the present, identify (i) the name and address of each and every Cryovac customer that has disputed the existence of a binding contract with Cryovac for the supply of flexible packaging products and (ii) the document(s) Cryovac cited to the customer identified as constituting the binding contract between Cryovac and the customer identified.

Dated: August 19, 2005

Respectfully submitted,

By:



One of its Attorneys

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**CERTIFICATE OF SERVICE**

I, Brian P. O'Donnell, an attorney, hereby certify that I caused true and correct copies of  
Pechiney Plastic Packaging, Inc.'s Sixth Set of Interrogatories (No. 38-41) to be served on:

John W. Shaw, Esq.  
Karen E. Keller, Esq.  
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This 19th day of August, 2005 via e-mail and first class mail.

  
Brian P. O'Donnell

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CRYOVAC, INC.

Plaintiff,

v.

PECHINEY PLASTIC PACKAGING INC.,

Defendant.

C.A. No. 04-1278 (KAJ)

NOTICE OF SERVICE

The undersigned, counsel for Defendant Pechiney Plastic Packaging Inc. hereby certifies that copies of Pechiney Plastic Packaging Inc.'s Sixth Set of Interrogatories (Nos. 38-41) were caused to be served on August 19, 2005 upon the counsel of record in the matter indicated.

**By Electronic Mail and First Class Mail:**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CRYOVAC, INC.,	)	
	)	
Plaintiff/Counter-Defendant.	)	
	)	
v.	)	Civil Action No. 04-1278-KAJ
	)	
PECHINEY PLASTIC PACKAGING,	)	
INC.,	)	
	)	
Defendant/Counter-Plaintiff.	)	

**CRYOVAC'S RESPONSE TO PECHINEY PLASTIC PACKAGING INC.'S  
SIXTH SET OF INTERROGATORIES (NOS. 38-41)**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, plaintiff/counter-defendant Cryovac, Inc. ("Cryovac") objects and responds to the Sixth Set of Interrogatories ("Interrogatories") by defendant/counter-plaintiff Pechiney Plastic Packaging, Inc. ("Pechiney" or "PPPI").

**GENERAL OBJECTIONS**

Cryovac adopts and incorporates into each of the following responses the General Objections stated in Cryovac's Response to Pechiney's First Set of Interrogatories, Cryovac's Response to Pechiney's Second Set of Interrogatories, Cryovac's Response to Pechiney's Third Set of Interrogatories, Cryovac's Response to Pechiney's Fourth Set of Interrogatories, and Cryovac's Response to Pechiney's Fifth Set of Interrogatories. Cryovac further objects to these Interrogatories as untimely because they were not initiated so that they could be completed on or before August 19, 2005, as required by the Court's December 14, 2004, Scheduling Order.

**INTERROGATORY NO. 38:**

For the time period January 1, 2002 through the present, identify the name and address of each and every Cryovac customer that has (i) a legally binding contract with Cryovac for the supply

of flexible packaging products, or (ii) a non-binding contract with Cryovac for the supply of flexible packaging products, or (iii) a \_\_\_\_\_ with Cryovac for the supply of flexible packaging products as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 239-41), or (iv) a \_\_\_\_\_ with Cryovac as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39), or (v) an \_\_\_\_\_ as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39), indicating which of categories (i)-(v) Cryovac contends applies to such customer identified.

**RESPONSE TO INTERROGATORY NO. 38:**

Cryovac objects that this Interrogatory is untimely because it was not initiated so that it could be completed on or before August 19, 2005, as required by the Court's December 14, 2004, Scheduling Order. Cryovac further objects to this interrogatory as unduly burdensome and as seeking information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 39:**

State with specificity the differences, if any, between: (i) a legally binding contract with Cryovac for the supply of flexible packaging products, (ii) a non-binding contract with Cryovac for the supply of flexible packaging products, (iii) a \_\_\_\_\_ with Cryovac for the supply of flexible packaging products as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 239-41), (iv) a \_\_\_\_\_ with Cryovac as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39), and (v) an \_\_\_\_\_ as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39).

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**CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER**



**INTERROGATORY NO. 40:**

For the time period January 1, 2002 through the present, identify any person by name, address and employment who, prior to the commencement of this action, has analyzed, evaluated or otherwise communicated on the effect of a: (i) a [redacted] with Cryovac for the supply of flexible packaging products as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 239-41), (ii) a [redacted] with Cryovac as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39), and (iii) an [redacted] as testified to by James Mize in his deposition of August 17, 2005 (J. Mize e-transcript, pages 238-39), indicating which of categories (i)-(iii) Cryovac contends applies to such person identified.

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**INTERROGATORY NO. 41:**

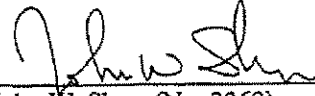
For the time period January 1, 2002 through the present, identify (i) the name and address of each and every Cryovac customer that has disputed the existence of a binding contract with Cryovac for the supply of flexible packaging products and (ii) the document(s) Cryovac cited to the customer identified as constituting the binding contract between Cryovac and the customer identified.

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**CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER**

AS TO OBJECTIONS and CONTENTIONS,



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Attorneys for Plaintiff Cryovac, Inc.

Dated: September 19, 2005

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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